



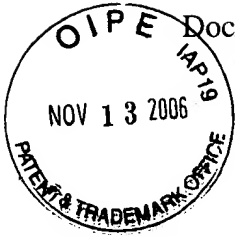
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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application No.	09/916,704
		Filing Date	July 26, 2001
		First Named Inventor	Jean M. Goldschmidt Iki
		Art Unit	2611
		Examiner Name	Yimam, Harun M.
Total Number of Pages in This Submission	8	Attorney Docket Number	42390P6487C

ENCLOSURES (check all that apply)		
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Firm or Individual name	Gordon R. Lindeen III, Reg. No. 33,192 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	November 7, 2006

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Docket No.: 42390P6487C

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re the Patent Application of: )  
)  
Goldschmidt Iki, et al. )  
)  
Serial No.: 09/916,704 ) Art Unit: 2623  
)  
Filed: July 26, 2001 )  
) Examiner: Yimam, Harun M.  
For: Method and Apparatus for Displaying )  
Entertainment System Data Upon )  
Selection of a Video Data Display )  
)  
)  
\_\_\_\_\_ )

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313

**REPLY BRIEF**  
**IN SUPPORT OF APPELLANT'S APPEAL**  
**TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant (hereafter "Appellant") hereby submits this Reply Brief in response to the Examiner's Answer mailed September 7, 2006 and in further support of its appeal from a final decision by the Examiner, mailed January 12, 2006 in the above-captioned case. Appellant respectfully requests consideration of this Reply Brief by the Board of Patent Appeals and Interferences for allowance of the above-captioned patent application.

## **I. GROUNDS OF REJECTION**

The Examiner in Section 9 of the Answer has provided seven pages under the heading Grounds of Rejection. This appears to be an identical reproduction from the Final Office Action mailed January 12, 2006, which is the subject of this appeal.

Appellant has already provided the reasons why this rejection is not well founded and no further comment is provided.

## **II. RESPONSE TO ARGUMENT**

The Examiner in Section 10 provides some clarification of the original rejection in the context of a response to Appellant's Appeal Brief. The issues raised by Section 10 will be discussed in turn.

### **A. FOR CLAIM 1, THE ACTION KEY 91 HAS NO DESCRIBED EFFECT IN FIGURE 4.**

Claim 1 recites that certain events happen "upon selection by a user of the respective window." (The respective window is one of two windows that is "displaying video data.") Appellant, in trying to understand the outstanding rejection, has supposed that the Examiner is reading "upon selection by a user" in Claim 1 onto pressing the "action key 91" of the remote control shown in Figure 3 of Mitchell.

Appellant has studied the specification and have found no explanation of what if anything might happen if a user were to press this button in the context of Figure 4. The Examiner has paraphrased the specification at Column 4 lines 35-43 and 44-52 and then concluded "that the relation between the action key 91 and figure 4 is clearly stated." Appellant submits that the Examiner has still not pointed to any explanation in Mitchell of what might happen if the user were to press the action key in the context of Figure 4.

The operation of the action key is apparently moot as the Examiner in the second paragraph of page 11 has clarified "that the Examiner does read 'upon selection by a user' on the 'focused upon' activity of Mathews."

**B. FOR CLAIM 1, THE CLAIMED LIMITATIONS ARE NOT MET BY MATHEWS.**

Appellant herein presents the Examiner's reading of Claim 1 onto Mathews as well as Appellant understands.

(a) "displaying video data of a first entertainment selection on a first window;" is read onto the still image shown in every tile 104 of Figure 4 that is not "focused upon" (Col. 5, lines 36-38).

(b) "displaying video data of a second entertainment selection on a second window;" is read onto another tile 104 that is not "focused upon" in Figure 4.

(c) "displaying entertainment system data regarding the entertainment selection corresponding to the respective window upon selection by a user of the respective window." This element is read onto "the display of moving images for the corresponding entertainment selection by the user (Mathews Column 5, lines 6-30)." (Examiner's Answer page 12, line 7.) After the cursor is moved to "focus on" a particular tile. The tile goes from still image to video, probably a short repeated video segment of the actual program. (Col. 5, lines 12-19)

For this reading, the Examiner must read "video data" to mean a still image and "entertainment system data" to mean video. First of all, "video" is commonly understood to mean moving pictures not still images. Thus there are video cameras and still image cameras or simply cameras. Accordingly, the examiner's reading is to eliminate the word video from (a) and (b).

Second, "entertainment system data" must be read to mean "video" instead of "video data" referring to video.

Third "entertainment system data regarding the entertainment selection" must be read to mean "the entertainment selection." The video shown in Mathews is a portion of the show itself, not some other data "regarding the entertainment selection" as recited in the claim.

For these three reasons, Appellant respectfully submits that this interpretation proffered by the Examiner stretches Claim 1 too far and that Mathews does not meet the limitations of Claim 1.

**C. FOR CLAIM 2, THERE IS NO SELECTABLE AREA OTHER THAN THE ENTIRE TILE OF MATHEWS.**

Claim 2 refers to "selection of the respective first areas of the respective windows." The Examiner would suggest that Mathews' movable cursor of Claim 4 teaches this. Appellant submits however, that Claim 2 has multiple windows and that each window has its own first area. In Mathews, the cursor is moved to select the entire tile. There are display areas in the tile, but no way to select any particular area of the tile.

The Examiner responds that "Mathews further discloses different selectable sections of each video programming tile/window, which includes a channel number, a channel logo, and a name corresponding to the programming." The Examiner has provided no citation for the selectable sections of each tile and Appellant has been unable to find any such teaching in Mathews.

Accordingly, Claim 2 is believed to be allowable. Claim 3 adds a second selectable area going even further beyond any teachings in Mathews.

**D. FOR CLAIM 10, THERE ARE NO TRAITS IN MATHEWS THAT CAN BELONG TO MULTIPLE PROGRAMS.**

The Examiner has clarified the reading of Claim 10 as relying on the ability of the user in Mathews to change the order of the tiles shown in Figure 4 (Column 10, lines 38-40). The Examiner's reading as understood by Appellant is as follows:

(a) "receiving a preferred trait from the user, the trait being related to at least one entertainment selection;" is to be read on the user indicating that the selection is to be listed first (or second etc.)

(b) "identifying entertainment selections with the preferred trait by reference to a database of entertainment selections;" is to be read on determining which of the selections is to be listed first.

(c) "wherein the first and second entertainment selections are selected from among the identified entertainment selections." is to be read on selecting the selection that is to be listed first and that which is also to be listed second.

This reading ignores that there are two entertainment selections in Claim 1 and there is "a preferred trait" in Claim 10. If the trait is "list first" there can only be one selection with that trait. This indicates how far Claim 10 has been stretched to read onto Mathews.

The Examiner suggests that the trait in Mathews is that a selection belongs to a particular grouping for display purposes. While this is described briefly in Col. 10, lines 38-40, there is not enough detail to read Claim 10 onto this scenario.

Accordingly, Claim 10 is also believed to be allowable.

### III. CONCLUSION

While not all claims were discussed specifically herein, the arguments with respect to each claim apply with equal force to any other claims with similar limitations including dependent claims. Appellant respectfully submits that all the appealed claims in this application are patentable and requests that the Board of Patent Appeals and Interferences overrule the Examiner and direct allowance of the rejected claims.

Please charge any shortages and credit any overpayment to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: November 7, 2006



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